

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,

CASE NO. 1:15cr109

Plaintiff,

-vs-

Michael R. Barrett, Judge

RICHARD STAMPER,

Defendant

O R D E R

This matter comes on for consideration of Defendant's Motion in Limine to Exclude Evidence (Doc. 23), filed under seal, the Government's Response (Doc. 26) and Defendant's Reply to Government's Response to Motion in Limine (Doc. 27).

The matter had previously been set for a Final Pretrial Conference on December 11, 2015. A day prior to that conference, Defendant filed, under seal, his Motion in Limine to Exclude Evidence (Doc. 23). At that time, the Court set a briefing schedule for the Government's response and the Defendant's reply. At the Final Pretrial Conference on December 11, 2015, the issues had not been fully briefed, but the Court took into account the Defendant's concerns about the discovery process and the potential to raise motions regarding the constitutionality of the Government's search. Defendant specifically did not waive his rights to speedy trial under 18 U.S.C. §3161 but did voice concerns as to whether there was time to raise motions concerning the provided and yet to be provided documentation from the Government and trial preparation.

As a result of that conference on December 14, 2015, the Court entered its own Ends of Justice Order (Doc. 25) including setting a Motion hearing on December 29,

2015 on the pleadings relating to Defendant's Sealed Motion in Limine (Doc. 23); set a subsequent motion filing deadline of January 15, 2016; a Final Pretrial Conference for January 28, 2016; and, a trial date of February 16, 2016.

At the December 29, 2015, hearing the parties submitted the Motion, Response and Reply to the Court for its review. The Court has reviewed the Sealed Motion (Doc. 23), the Response (Doc. 26) and the Reply (Doc. 27) and will not exclude the evidence as requested by the Defendant, at this time. The Court's Order of December 15, 2015 (Doc. 25) provides the Defendant with adequate time to review the items submitted to the defense by the Government and to file motions to suppress, if appropriate, and time for trial preparation. This matter is, therefore, set for Jury Trial on February 16, 2016.

Accordingly, Defendant's Sealed Motion in Limine to Exclude Evidence is **DENIED** at this time.

IT IS SO ORDERED.

s/ Michael R. Barrett
Michael R. Barrett, Judge
United States District Court